

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DAVID L. ZAHNER,

05-CV-3022-ST

Petitioner,

ORDER

v.

ROBERT LAMPERT,

Respondent.

STEVEN WAX

Federal Public Defender

KRISTINA S. HELLMAN

Assistant Federal Public Defender

101 S.W. Main Street

Suite 1700

Portland, OR 97204

(503) 326-2123

Attorneys for Petitioner

HARDY MYERS

Attorney General

JONATHAN W. DIEHL

Assistant Attorney General

Oregon Department of Justice

1162 Court Street, N.E.

Salem, OR 97301-4096

(503) 947-4700

Attorneys for Respondent

BROWN, Judge.

Magistrate Judge Janice M. Stewart issued Findings and Recommendation (#69) on February 5, 2008, in which she recommended the Court deny the Petition for Writ of Habeas Corpus (#1) and dismiss this matter with prejudice. Petitioner filed objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988).

This Court has carefully considered Petitioner's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Stewart's Findings and Recommendation (#69) and, therefore, **DENIES** the Petition for

Habeas Corpus (#1) and **DISMISSES** this matter **with prejudice**.

IT IS SO ORDERED.

DATED this 14th day of March, 2008.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge